

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**LOUIS M. GERSON COMPANY, INC.,**

**Civil No. 04-12389 (MLW/RBC)**

**Plaintiff,**

**v.**

**3M COMPANY'S MOTION FOR  
LEAVE TO FILE A REPLY  
MEMORANDUM IN SUPPORT OF ITS  
SECOND MOTION TO DISMISS**

**3M COMPANY,**

**Defendant.**

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3M hereby moves for leave of the Court to file the enclosed Reply Memorandum In Support Of Its Second Motion To Dismiss. This reply memorandum is necessary to address errors in law by Louis M. Gerson Company in its December 29, 2004 Memorandum of Law in Opposition to Defendant's Second Motion to Dismiss.

By its attorneys

Dated: January 11, 2005

/s/ Frank E. Scherkenbach  
Frank E. Scherkenbach (BBO #653819)  
FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, MA 02110

Attorneys for Defendant  
3M COMPANY

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

I, **Frank E. Scherkenbach**, hereby certify that on January 11, 2004, counsel for Defendant requested that Plaintiff consent to the relief sought by this motion. Counsel for Plaintiff responded that Louis M. Gerson Company will neither consent to, nor oppose the granting of the relief sought by this motion.

Dated: January 11, 2005

/s/ Frank E. Scherkenbach  
Frank E. Scherkenbach (BBO #653819)

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **3M COMPANY'S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM IN SUPPORT OF ITS SECOND MOTION TO DISMISS** was served on counsel for Plaintiff via e-filing and regular mail on Robert L. Kann, Bromberg & Sunstein LLP, 125 Summer Street, Boston, MA 02110 on this 11th day of January, 2005.

/s/ Kathleen J. Tobin  
Kathleen J. Tobin